



MAKE RACISTS
AFRAID AGAIN

THE J20 ARRESTS AND TRIALS, EXPLAINED

59 people still face charges.

Caolan Iomlan - Teen Vogue

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Last year, on January 20, 2017, protesters from across the country marched through the streets of Washington, D.C., to express their opposition to Trump's election before they were "kettled" by the Metropolitan Police Department (MPD), a maneuver in which police surround large groups of protesters, preventing people from leaving the area without being arrested. The "Disrupt J20" event brought the detainment of at least 200 people, injury to six police officers, and claims of \$100,000 worth of damage, according to USA Today.

A year later, and nearly one month since the acquittal on all charges of the first of those arrested to stand trial, the U.S. Attorney's Office for the District of Columbia in January dropped the charges for 129 of the defendants. The remaining 59 defendants will still face felony charges carrying a possible sentence of more than 60 years in prison.

Defend J20 Resistance, a group supporting those arrested and charged after the protest in 2017, claims that shortly after the march began at 10:20 a.m. on the day of Trump's inauguration, police began kettling. Those detained were held on the corner of two streets for several hours, finally being taken to jail around 8 p.m., according to the group. Pepper spray appears to have been sprayed indiscriminately, as shown in this video. Police allegedly denied the detainees any access to food, water, or restrooms, according to a lawsuit filed by the ACLU.

and the jury's verdicts in the first trial of these cases." However, Joe (who's name has been changed for this article), a former defendant who was part of the group whose charges have been dropped, thinks that public pressure, including a recent call-in campaign, also contributed to the prosecution's decision. Reached by email, he tells Teen Vogue, "I don't think it was a coincidence that the DC US Attorney's Office dropped the charges a week after they received over 300 phone calls telling them to. The first case was deeply embarrassing for the prosecution. Direct and consistent pressure afterwards certainly eroded the state's confidence in their narrative."

The charges were dismissed "without prejudice," which means that the prosecution could technically reintroduce the same charges for those defendants at a later date. Additionally, according to Joe, it's still "super important to help the remaining defendants."

In the notice of intent to proceed, the prosecution states, "The government is focusing its efforts on prosecuting those defendants who: (1) engaged in identifiable acts of destruction, violence, or other assaultive conduct; (2) participated in the planning of the violence and destruction; and/or (3) engaged in conduct that demonstrates a knowing and intentional use of the black-bloc tactic on January 20, 2017, to perpetrate, aid or abet violence and destruction."

The government has requested that the court reschedule the remaining defendants' court cases, consolidating the remaining 59 cases to proceed "more expeditiously" with the trials. Meanwhile, Defend J20 Resistance is raising money to help support the remaining defendants, who are dealing with enormous legal costs, travel costs, and other expenses resulting from their arrests, as well as holding events in support.

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The ACLU also believes that “MPD’s wanton and vindictive conduct on January 20 chills free speech”. The city of Washington, D.C., seems to wish to avoid an outcome like that of the 2002 protest arrests against the IMF and World Bank, in which the city was forced to pay out millions of dollars to protesters arrested by tactics similar to the ones allegedly used on J20, a point seemingly made by Commander Keith Deville’s testimony during the recent trial of the first bloc of defendants that “criminal convictions in this case would perhaps limit our civil liability in the matter.”

The prosecution has also attempted to gather huge amounts of information on people who may not even have attended the Disrupt J20 event. Web hosting company DreamHost says that last summer, the Department of Justice served it with a warrant demanding all information it possessed related to Disrupt J20’s website; DreamHost said the DOJ requested information on those operating the website, but that it also wanted the IP addresses of anyone who’d visited the page. DreamHost, with help from support groups like the Electronic Frontier Foundation, refused to hand this information over to the government, arguing that the warrant was an “investigatory overreach and a clear abuse of government authority.”

In the first trial bloc, which took place between November 15 and December 21, 2017, many of the arguments presented by the Department of Justice were refused by jurors, who acquitted all six defendants from that bloc on all charges. Judge Lynn Leibovitz threw out the felony charge of inciting a riot before it even reached jury deliberations, on the grounds that no reasonable juror could find them guilty of that count based on the evidence, *The Washington Post* reported. After closing arguments, the jury delivered their decision of full acquittal on those remaining charges — five felonies and two misdemeanors. The government notice regarding the prosecution’s no longer pursuing charges on 129 of the defendants states that the change comes “In light of the legal rulings by the court

Some detainees, including Shay Horse, a photojournalist who is a plaintiff in the suit, say that MPD officers strip searched them and grabbed their genitals, and say they “were subjected to manual rectal probing” during their arrests. After detainees were taken to jail, where they were allegedly kept until the following morning, police seized their cell phones, wallets, and other personal belongings. In many cases, the police reportedly lost track of which items belonged to which detainee. Those arrested were eventually charged with a variety of offenses, including felony rioting, conspiracy to riot, and property destruction. Even if a particular arrestee was not individually involved in property destruction, the prosecution argues that by being present at an event where property destruction is taking place, each individual is responsible.

Prior to the prosecution’s recent decision to drop the charges for many of the defendants, the cases against the J20 arrestees had been divided into multiple trial blocs, each bloc encompassing fewer than 10 defendants. The first group of trials began on November 15, 2017.

Many of the protestors at the Disrupt J20 event wore black clothing and covered their faces, a tactic known as “black bloc,” which is often used to create “mass anonymity” and “protects practitioners from the threat of post-action doxxing by white supremacist groups,” as well as helps protestors act without fear of police violence and retaliation, according to *The New York Times*. However, some arrested at the J20 event were journalists, legal observers, and bystanders.

Some J20 defendants say they continue to deal with the trauma of their arrests. Shay Horse stated during a press conference last June, “A couple of fingers on my left hand are still numb. I continue to suffer stress and anxiety. I have trouble sleeping. I wake up every three hours. I’m still trying to come to grips with what happened.”

MPD replied to Teen Vogue's request for comment on the allegations of mistreatment and the case, saying, "Each year, the men and women of MPD protect the rights and ensure the safety of thousands of First Amendment assemblies, demonstrations, and protests. During the 58th Presidential Inauguration, there were thousands of individuals who exercised their constitutional right to peacefully assemble and speak out for their cause. Unfortunately, there was another group of individuals who chose to engage in criminal acts, destroying property and hurling projectiles, injuring at least six officers. Fifty-Nine defendants are pending prosecution after being indicted by a grand jury on felony charges related to rioting. As with any pending criminal or civil matter, we will continue to support and respect the formal legal process. Moreover, all instances of use of force by officers and allegations of misconduct will be fully investigated."

Some defendants claim to have experienced a variety of repercussions due to their charges in the year since January 20, 2017. Michael Loadenthal, a defendant from Ohio, recently told Al-Jazeera, "Having defendants act extra cautiously in their political activities for one to two years, and having to exist with the looming possibility of life in prison and massive fines, is part of the punishment itself." He describes facing aggressive behavior from police during routine traffic stops, struggling with massive legal fees, and the travel costs necessary to be present at his court dates in D.C., and being unable to apply for jobs that require a criminal background check. Brittne Lawson, a nurse, told HuffPost that she had to quit her job due to the length of her trial. (She was part of the first trial group, which was acquitted of all charges.) Rosa Roncales, a firefighter in Virginia, was reportedly moved to a desk job after her arrest, a local affiliate reported. Elisabeth Lagesse, a former Ph.D. student in chemical engineering, says she was forced to move to Washington, D.C., with her partner — also a defendant — in order to deal with the financial stress of



the trial. She told HuffPost in early December that she has yet to get back the cell phone seized during her arrest. In a letter published in *The New York Times*, she said that the J20 cases "illustrate a critical problem in the justice system: Prosecutors have the power to single-handedly destroy lives, and there are few consequences for abuse of that power".

In the indictment, the prosecution alleged that the defendants are responsible for the actions of those who destroyed property along the route of the march. During the opening statement of the first trial bloc, Assistant U.S. Attorney Jennifer Kerkhoff stated, "We don't believe the evidence is going to show that any of these six individuals personally took that crowbar or that hammer and hit the limo or personally bashed those windows of that Starbucks in."

One reason the prosecution seems intent on securing convictions of the remaining arrestees is that it may limit the city's liability in countersuits against the police department, such as one being filed by the ACLU; a staff attorney for the organization described the "extreme tactics" used by the MPD on January 20, 2017, as "unjustifiable and unconstitutional."